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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,442	07/22/2005	Niels Bjarne Kampp Rasmussen	GRP-0090	2992
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CANTOR COLBURN, LLP 20 Church Street 22nd Floor Hartford, CT 06103			EXAMINER TRAN, BINH Q	
			ART UNIT 3748	PAPER NUMBER
			MAIL DATE 03/07/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/516,442

Applicant(s)

RASMUSSEN, NIELS BJARNE  
KAMMP

Examiner

BINH Q. TRAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/29/2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 51,53-82,86-90 and 92-101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51,53-71,73-82,86-90 and 92-101 is/are rejected.
- 7) ☒ Claim(s) 72 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This office action is in response to the amendment filed October 29, 2007.

#### Withdraw from Issue

The indicated allowability of claims 90-91 are withdrawn in view of the newly discovered reference(s) to A. O. Jaeger et al. (Jaeger) (Patent Number 1,927,286). Rejections based on the newly cited reference(s) follow.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 51 and 55 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added material which is not supported by the original disclosure is as follow: *“where, said fluid quantity is directed through sections related by at least one of a cross-sectional area of said main reaction passage section that is between 0.5 and 100 times a cross-sectional area of said main heat transfer passage section and the inlet or outlet passage sections of the at least three sections are between 0.5 and 100 times the cross-sectional area of said main heat transfer passage section.”* is disclosed in claims 51 and 55. Applicants are required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Applicant is advised that should claim 55 be found allowable, claim 90 will be rejected under 35 U.S.C. 101 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to reject the other as being a substantial duplicate of the allowed claim. See MPEP, 706.03(k).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

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directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

*Claims 51, 53-61, 63-71, 73-82, 86-89, and 92-101 are rejected under 35 U.S.C. 102 (b) as being anticipated by A. O. Jaeger et al. (Jaeger) (Patent Number 1,927,286) without new matter.*

Regarding claims 51, and 53-55, Jaeger discloses an apparatus and method for treatment of a fluid quantity including chemical reacting means such as combustible materials above a certain minimum quantity, said device comprising: a container (e.g. 1) including at least one inlet (e.g. 5, 25) and outlet (e.g. 6) for said fluid quantity; said container further comprises at least three passage sections (e.g. 3, 7, 33) (e.g. Figs. 1-11) being mutually connected, where at least one section (e.g. 3, 7, 33) of said passage sections includes catalytic material of one or more kinds (e.g. 19); wherein the positioning of said passage sections forms at least one internal heat exchanger (e.g. 9, 11) with mutual heat exchange (e.g. 9, 11) between the sections; wherein the at least three passage sections include a main reaction (e.g. 3, 7, 33) passage section which heat exchanges in counterflow with a main heat transfer passage section of said at least three passage sections, where the main reaction passage section heat exchanges with one or more preceding inlet passage sections and one or more succeeding outlet passage sections; and wherein at least one of said at least three passage sections comprises a plurality of substantially parallel pipes (e.g. See Figs. 1-11; col. 2, lines 58-133), and where, said fluid quantity is directed through sections related by at least one of a cross-sectional area of said main reaction passage section that is between 0.5 and 100 times a cross-sectional area of said main heat transfer passage

section and the inlet or outlet passage sections of the at least three sections are between 0.5 and 100 times the cross-sectional area of said main heat transfer passage section (New Matter).

Regarding claim 56, Jaeger further discloses that the catalytic device comprises exactly three passage sections (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 57, Jaeger further discloses that the at least three sections comprises one or more inlet passage sections positioned above, alongside or outside said main reaction passage section (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 58, Jaeger further discloses that the at least three sections comprises one or more outlet passage sections positioned above, alongside or outside said main reaction passage section (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 59, Jaeger further discloses that the main reaction passage section is positioned above, alongside or outside said main heat transfer passage section (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 60, Jaeger further discloses that wherein at least one of said main heat transfer passage section comprises one or more substantially parallel pipes (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 61, Jaeger further discloses that the main heat transfer passage section is integrated as a number of pipes in said main reaction passage section (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 63, Jaeger further discloses that the pipes form symmetrical patterns including at least one of triangular, quadrangular, similar patterns, and random patterns (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 64, Jaeger further discloses that the pipes are surrounded by catalytic material deposited on one or more carrier means (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 65, Jaeger further discloses that the pipes comprise at least one of a circular, an oval, a triangular, a four-sided, and any similar regular or irregular cross sectional shape (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 66, Jaeger further discloses that the three passage sections comprises one or more lamellar plates (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 67, Jaeger further discloses that wherein said one or more lamellar plates form non-circular canals with a cross sectional shape formed by at least one of triangles, four sided shapes, combinations hereof, and similar shapes (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 68, Jaeger further discloses that wherein indentations in a surface of said one ore more lamellar plates form longitudinal or diagonal patterns (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 69, Jaeger further discloses that the catalytic material is deposited on one ore more carrier means in at least one of said at least three passage sections (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 70, Jaeger further discloses that one or more carrier means are composed of at least one of metal, ceramic, glass, other heat resistant materials, and combinations thereof (e.g. See Figs. 1-11; col. 2, lines 58-133).

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Regarding claim 71, Jaeger further discloses that one or more carrier means include a shape which is at least one of spherical, cylindrical, quadrangular, as saddle, ring, regular, and irregular (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 73, Jaeger further discloses that one or more carrier means include monoliths or fibers (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 74, Jaeger further discloses that the fibers deposit with said catalytic material form a tangled bundle of fibers partly or totally filling one or more of said passage sections (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 75, Jaeger further discloses that the monoliths or fibers deposit with said catalytic material form longitudinal monoliths or fibers inside one or more of said passage sections (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 76, Jaeger further discloses that the main reaction passage section of said at least three passage sections comprises one or more kinds of said catalytic material deposit on said carrier means (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 77, Jaeger further discloses that the one or more inlet and/or outlet passage sections of said at least three passage sections comprises one or more kinds of said catalytic material deposit on said carrier means (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 78, Jaeger further discloses that the one or more of said at least three passage sections comprise combined carrier means including wall flow filters, fibers, balls and/or monoliths (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 79, Jaeger further discloses that the combined carrier means are positioned in continuation of each other through one or more of said at least three passages (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 80, Jaeger further discloses that the catalytic material includes metal or metal alloys from the Platinum metal group including Platinum (Pt), Palladium (Pd), Rhodium (Rh) and combinations hereof (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 81, Jaeger further discloses that the catalytic material includes metal oxides including at least one of Gold (Au), Platinum (Pt), Silver (Ag), Aluminum (Al), Lead (Pb), Zirconium (Zr), Copper (Cu), Cobalt (Co), Nickel (Ni), Iron (Fe), Cerium (Ce), Chrome (Cr), Tin (Sn), Manganese (Mn) and Rhodium (Rh), Oxides, and combinations hereof (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 82, Jaeger further discloses that the catalytic material includes combinations of metal or metal alloys from the Platinum metal group and metal oxides (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 86, Jaeger further discloses that the main reaction passage section heat exchanges with said one or more inlet passage sections in counterflow (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 87, Jaeger further discloses that the main reaction passage section heat exchanges with said one or more outlet passage sections in concurrent flow (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 88, Jaeger further discloses that at least one layer of insulation between said at least three passage sections (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 89, Jaeger further discloses that the at least one layer of insulation is positioned between said main reaction passage section and one or more inlet passage sections of the at least three sections (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 92, Jaeger further discloses that at least one of said passage sections comprises one or more wall flow filters with numerous porous walls allowing the fluid quantity to penetrate through the walls (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 93, Jaeger further discloses combustion material is added to the device through a fuel line connected to a fuel tank and a fuel supplying means or through adding further combustion material to the fluid quantity (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 94, Jaeger further discloses that the method cleans exhaust gas from an internal combustion engine (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 95, Jaeger further discloses that the method regulates or controls temperature in an exothermal or endothermal chemical reaction in an industrial chemical application (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 96, Jaeger further discloses that the method regulates or controls temperature in fuel cells (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 97, Jaeger further discloses that the device is disposed in connection with combustion engines in vehicles fuelled by at least one of petrol, diesel, natural gas, bottled gas, and similar fuels (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 98, Jaeger further discloses that the device is disposed in connection with stationary combustion engines fuelled by at least one of petrol, diesel, natural gas, bottled gas, and similar fuels (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 99, Jaeger further discloses that the device is disposed in connection with an exothermal or endothermal chemical reaction in an industrial chemical application (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 100, Jaeger further discloses that the device disposed in connection with fuel cells to regulate or control temperature (e.g. See Figs. 1-11; col. 2, lines 58-133).

Regarding claim 101, Jaeger further discloses that the wherein approximately one-third of the combined carrier means comprise said wall flow filters and a remainder of the combined carrier means comprise said fibers, balls and/or monoliths (e.g. See Figs. 1-11; col. 2, lines 58-133).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

***Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger in view of design choice.***

Regarding claim 62, Jaeger discloses all the claimed limitation as discussed above except the number of pipes is between 20 and 1000 pipes.

Regarding the specific range of the number of pipes, it is the examiner's position that a range between 20 and 1000 pipes of the number of pipes, would have been an obvious matter of design choice well within the level of ordinary skill in the art, depending on variables such as

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mass flow rate of the fluid, as well as the size of the heat exchanger, properties of materials for making the heat exchanger, and the controlled temperature of the system. Moreover, there is nothing in the record which establishes that the claimed parameters present a novel or unexpected result (See *In re Kuhle*, 562 F. 2d 553, 188 USPQ 7 (CCPA 1975)).

Under some circumstances, however, changes such as these may impart patentability to a process if the particular ranges claimed produce a new and unexpected result which is different in kind and not merely in degree from the results of the prior art. *In re Dreyfus*, 22 CCPA (Patents) 830, 73 F.2d 931, 24 USPQ 52; *In re Waite et al.*, 35 CCPA (Patents) 1117, 168 F.2d 104, 77 USPQ 586. Such ranges are termed "critical" ranges, and the applicant has the burden of proving such criticality. *In re Swenson et al.*, 30 CCPA (Patents) 809, 132 F.2d 1020, 56 USPQ 372; *In re Scherl*, 33 CCPA (Patents) 1193, 156 F.2d 72, 70 USPQ 204. However, even though applicant's modification results in great improvement and utility over the prior art, it may still not be patentable if the modification was within the capabilities of one skilled in the art. *In re Sola*, 22 CCPA (Patents) 1313, 77 F.2d 627, 25 USPQ 433; *In re Normann et al.*, 32 CCPA (Patents) 1248, 150 F.2d 627, 66 USPQ 308; *In re Irmischer*, 32 CCPA (Patents) 1259, 150 F.2d 705, 66 USPQ 314. More particularly, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. *In re Swain et al.*, 33 CCPA (Patents) 1250, 156 F.2d 239, 70 USPQ 412; *Minnesota Mining and Mfg. Co. v. Coe*, 69 App. D.C. 217, 99 F.2d 986, 38 USPQ 213; *Allen et al. v. Coe*, 77 App. D.C. 324, 135 F.2d 11, 57 USPQ 136.

***Response to Arguments***

Applicant's arguments filed February 06, 2007 have been fully considered but they are not completely persuasive. ***Claims 51, 53-82, 86-90, and 92-101 are pending.***

Applicant's cooperation in explaining the claims subject matter more specific to overcome the claim objections relating to indefinite claim language is also appreciated. Applicant's cooperation in explaining the claims subject matter more specific to overcome the claim rejection is appreciated.

Applicant's arguments with respect to claims 51, 53-82, 86-90, and 92-101 have been considered but are moot in view of the new ground(s) of rejection as discussed above.

**Allowable Subject Matter**

Claim 72 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Since allowable subject matter has been indicated, applicant is encouraged to submit **Final Formal Drawings (If Needed)** in response to this Office action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

### *Conclusion*

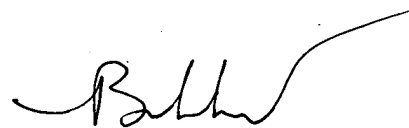
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Binh Tran whose telephone number is (571) 272-4865.

The examiner can normally be reached on Monday-Friday from 8:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reach on (571) 272-4859. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BT  
March 05, 2008



Binh Q. Tran  
Patent Examiner  
Art Unit 3748